

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. 5:08-CV-586-FL

ERIC M. MCMILLIAN,

Plaintiff,

v.

INTERGRAL RESOURCES; CHRIS  
STAUNTON; LAWERANCE FITCH;  
and KEN SPENCER,

Defendants.

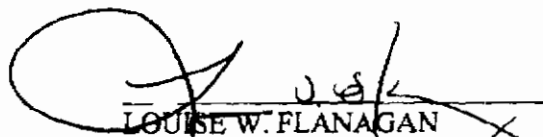
ORDER

This matter is before the court on plaintiff's *pro se* application to proceed *in forma pauperis* (DE #1) and on Memorandum and Recommendation ("M&R") of United States Magistrate Judge David W. Daniel. (DE #3.) Prior to ruling on plaintiff's application to proceed *in forma pauperis* and in connection with review under 28 U.S.C. § 1915(e)(2)(B), the magistrate judge ordered plaintiff to file with the court a copy of the right to sue letter issued by the Equal Employment Opportunity Commission regarding plaintiff's claim of sexual discrimination and harassment. Plaintiff failed to comply with the court's order, and through M&R issued January 5, 2009, the magistrate judge recommends that plaintiff's complaint be dismissed as frivolous. Plaintiff has filed no objection to the M&R.

Review of the M&R and other documents of record convinces the court that the recommendation of the magistrate judge is, in all respects, in accordance with the law and should be approved. Accordingly, the court hereby ADOPTS the recommendation of the magistrate judge

as its own, and plaintiff's complaint is DISMISSED. Plaintiff's motion for leave to proceed *in forma pauperis* is DENIED as moot. The clerk is directed to close this case.

SO ORDERED, this the 2<sup>nd</sup> day of January, 2009.

  
LOUISE W. FLANAGAN  
Chief United States District Judge